

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ANDREA HOLLEY, personal representative  
of the estate of Dustin Van Jelgerhuis, deceased,

Plaintiff,

v.

No. 1:12-cv-00320-KBM-WDS

THE EVANGELICAL LUTHERAN GOOD SAMARITAN SOCIETY,  
A North Dakota non-profit corporation,  
d/b/a GRANTS GOOD SAMARITAN CENTER,

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION TO COMPEL  
RESPONSES TO REQUESTS FOR ADMISSIONS**

This matter comes before the Court on Defendant's Motion to Determine Sufficiency of, or Alternatively Compel Responses to Requests for Admission (Doc. No. 79). The Court, being fully advised of the premises, finds the Motion well taken.

One purpose of discovery, including requests for admission, is to reduce the cost of litigation. Eliminating the need for presenting evidence at trial on issues that are really not in dispute furthers that purpose. The three issues in dispute in this motion fall into that category.

Request No. 9 seeks an admission or a denial as to whether Donald Van Jelgerhuis is a statutory beneficiary under the wrongful death act. Presumably he is, but Defendant has a right to know Plaintiff's position on that prior to trial. Request No. 15 essentially wants an admission or a denial as to whether the decedent fell out of his bed during a particular period of time. Apparently the records of Defendant do not indicate such a fall. It is reasonable to require an admission from Plaintiff as to whether they have evidence that he did fall. Request No. 22 seeks information as to subject matter areas that were in the journal kept by the decedent's mother and destroyed after her son's death. Plaintiff's final supplemental response says the request is denied in part, but does not

specify what part is denied. Defendant is entitled to clarity on that issue.

The Court finds that the responses are not sufficient and the three requests for admission should be responded to as set out above.

IT IS THEREFORE ORDERED THAT Defendant's Motion to Determine Sufficiency of, or Alternatively Compel Responses to Requests for Admission (Doc. No. 79) is granted. Responses should be made within 10 days of the date of this order.



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W. Daniel Schneider  
United States Magistrate Judge